

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA**

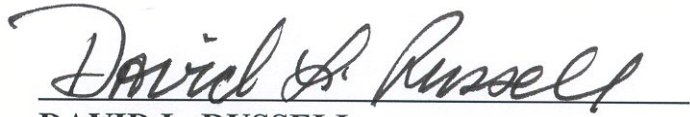
MELVALENA GRANT,)	
)	
Plaintiff,)	
)	
v.)	No. CIV-24-1209-R
)	
GAIL NASH, et al.,)	
)	
Defendants.)	

ORDER

On April 30, 2025, Plaintiff Melvalena Grant filed a Motion to Dismiss under Rule 41(a)(2) of the Federal Rules of Civil Procedure [Doc. No. 13]. Defendants previously filed a motion to dismiss Plaintiff’s Complaint under Rule 12(b)(6) [Doc. No. 8]. But Defendants’ Motion does not necessitate a court order to dismiss the instant action. Under Rule 41(a)(1)(A)(i), “the plaintiff may dismiss an action without a court order by filing...a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment[.]” And a motion to dismiss under Rule 12(b)(6) is neither an answer nor a motion for summary judgment. *See White v. City of Blackwell*, No. CIV-13-614-C, 2013 WL 4520528, at *1 (W.D. Okla. Aug. 26, 2013).

Accordingly, the Court construes Plaintiff’s motion as seeking voluntary dismissal pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i). Plaintiff’s Motion is therefore GRANTED, and this action is DISMISSED without prejudice.

IT IS SO ORDERED this 23rd day of May, 2025.



DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE